IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 16824 of 1994

Between:

The Management of Singareni Collieries Company Ltd.,

Rep. General Manager. Area-I., Ramagundam,

Godavarikhani, Karimnagar.

..... PETITIONER

AND

1 The Industrial Tribunal-I, Rep. Presiding Officer.
Chandra Vihar, M.J.Road, Hyderabad.
2 The Workmen of Singareni Collieries Co. LTd.,

Rep. Vice President, A.P.Colliery Mazdoor Sangh, Godavarikha
Area-I, Ramagundam Division, Godavarikhani,
Karimnagar.
3 Sri K.Narasaiah, GDK.No.2A, Incline,
Singareni Collieries Co. Ltd., Godavarikhani,
Karimnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Certiorari after calling for the records from the 1st respondent in I.D.No.64/1989 and quash the Award passed therein dated 04/02/1994.

Counsel for the Petitioner: MR.K.SRINIVASAMURTHY

Counsel for the Respondent No.1: G.P. for Labour

Counsel for the Respondent No.2: MR.G.VIDYASAGAR

Counsel for the Respondent No.3 None appeared

The Court made the following

ORAL ORDER:

Heard both sides.

2. The Award in I.D.No.64 of 1989, dated 04-02-1994, passed by the Industrial Tribunal-I at Hyderabad, (for brevity “the Tribunal”) is under challenge in the present writ petition.

3. The petitioner is the Management, the first respondent is the Tribunal, the second respondent is the Association of Workmen of Singareni Collieries and the third respondent is the workman.

4. For the sake convenience, the petitioner, the first respondent, the second respondent and the third respondent will be referred to as “the Management, the Tribunal, the Association of Workmen of Singareni Collieries and the workman” respectively.

5. Upon the dispute raised by the workman, the following issue

was referred to the Tribunal:

> "Whether the action of the Management of M/s.Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, District Karimnagar (AP) in not granting grade 'D' from 1980 and Grade 'C' from 01-03-1987 to Sri K. Narsaiah, Lorry Driver, GDK 2-A Incline, is justified? If not, to what relief the concerned workman is entitled?"

6. From the above reference, it could be seen that the whole dispute is with regard to granting of Grade 'D' to the workman by name K. Narsaiah.

7. The Tribunal having gone into the merits of the case and also considering the evidence, both oral and documentary, on record, eventually arrived at a conclusion that the juniors to the workman were granted Grade 'D' and Grade 'C' as per the promotion policy and the settlement entered into between the Management and the Unions.

8. In other words, it was found that the workman in dispute was held to be senior to the other workmen and arriving on the conclusion that since he is senior to the other workmen, who were granted Grade 'D', the workman in dispute is also entitled to Grade 'D'.

9. All the questions that were raised and decided by the Tribunal are pure questions of fact. This Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India cannot and need not reappraise the whole evidence on record unless there are apparent errors on the face of record.

10. From the conclusions and the reasoning arrived at by the Tribunal, I do not find any illegality in the impugned award.

11. Accordingly, the writ petition is dismissed. However, there shall be no order as to costs.

12. The interim stay granted by this Court in W.P.M.P.No.20868 of 1994, dated 22-09-1994 and the interim stay in W.V.M.P.No.2896 of 1994, dated 30-12-1994, are hereby vacated.

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D.S.R. VARMA, J

29TH OCTOBER 2004

ISN/KRK

To

1 The Presiding Officer, Industrial Tribunal-I,
Chandra Vihar, M.J.Road, Hyderabad. (with records)
2 The Vice President, Workmen of Singareni Collieries Co. Ltd.,

A.P.Colliery Mazdoor Sangh, Godavarikha
Area-I, Ramagundam Division, Godavarikhani, Karimnagar.
3. The General Manager, Singareni Collieries Company Ltd.,

Area-I., Ramagundam, Godavarikhani, Karimnagar.

4. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.

THE HONOURABLE SRI JUSTICE D.S.R. VARMA

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